

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

This document relates to:

New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.

Case No. 1:08-cv-00312

Master File No. 1:00-1898

MDL 1358

M21-88

**DECLARATION OF BRYAN BARNHART IN SUPPORT OF PLAINTIFFS'
MOTION TO REMAND**

I, Bryan Barnhart, declare:

1. I am an attorney at Miller & Axline, counsel of record for the New Jersey plaintiffs. The following is based on my personal knowledge, and on my review of Miller & Axline's litigation files, and, if called as a witness, I could competently testify thereto.

2. **Exhibit 1** hereto is a true and correct copy of the United States Judicial Panel on Multidistrict Litigation's Order Denying Transfer of *Short, et al. v. Amerada Hess Corporation, et al.*, C.A. No. 1:16-00204.

3. **Exhibit 2** hereto is a true and correct copy of the United States Judicial Panel on Multidistrict Litigation's Order Denying Transfer of *State of Rhode Island v. Alon Refining Krotz Springs, et al.*, C.A. No. 1:16-00495.

4. **Exhibit 3** hereto is a true and correct copy of the original complaint in this action.

5. **Exhibit 4** hereto is a true and correct copy of Plaintiffs' Unopposed Motion for Leave to File Fifth Amended Complaint in this action, dated June 26, 2016.

6. **Exhibit 5** hereto is a true and correct copy of the November 2, 2007, Notice of Removal of this action.

7. **Exhibit 6** hereto is a true and correct copy of the January 3, 2008, Conditional Transfer Order in this action.

8. **Exhibit 7** hereto is a true and correct copy of the April 7, 2015, Separation of Claims and Conditional Remand Order in this action.

9. **Exhibit 8** hereto is a true and correct copy of the MDL Court's March 3, 2014, Opinion and Order in this action.

10. **Exhibit 9** hereto is a true and correct copy of the February 24, 2015, Suggestion to Remand in this action.

11. **Exhibit 10** hereto is a true and correct copy of the MDL Court's March 14, 2014, Opinion and Order in this action.

12. **Exhibit 11** hereto is a true and correct copy of Plaintiffs' October 14, 2016, Revised Site List in this action.

13. **Exhibit 12** hereto is a true and correct copy of Case Management Order No. 123, dated April 29, 2016.

14. **Exhibit 13** hereto is a true and correct copy of Case Management Order No. 124, dated April 29, 2016.

15. **Exhibit 14** hereto is a true and correct copy of Case Management Order No. 60, dated March 11, 2010.

16. **Exhibit 15** hereto is a true and correct copy of the MDL Court's Order Granting Plaintiffs' Unopposed Motion for Leave to File a Fifth Amended Complaint, which was filed on September 28, 2018.

17. **Exhibit 16** is a true and correct copy of the February 8, 2018, Order Granting Plaintiff's Motion for Reconsideration by United States District Court for the Central District of California, which is the trial court for the remanded MTBE focus sites in the MTBE MDL case *Orange County Water District v. Unocal Corporation, et al.*

18. **Exhibit 17** is a true and correct copy of the April 10, 2018, Order Granting OCWD's Motion for Reconsideration of Orders Regarding Negligence Claim by United States District Court for the Central District of California, which

is the trial court for the remanded MTBE focus sites in the MTBE MDL case

Orange County Water District v. Unocal Corporation, et al.

19. Under my supervision, Miller & Axline's office staff counted the
MDL Court's MTBE opinions on the Court's docket. They counted 144 opinions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of December, 2018, at Sacramento, California.



Bryan Barnhart

1 **PROOF OF SERVICE VIA LEXISNEXIS FILE & SERVE**

2 *New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*
3 United States District Court, Southern District of New York, Case No. 08 Civ. 00312 (SAS)
4 United States District Court, District of New Jersey, Civil Action No. 3:15-6468(FLW-LHG)

5 I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein
6 referred to, over the age of 18 years and not a party to this action. My business address is 1050
7 Fulton Avenue, Suite 100, Sacramento, CA 95825-4225.

8 On the date below, I served the following document on all counsel in this action
9 electronically through LexisNexis File & Serve:

10 **DECLARATION OF BRYAN BARNHART IN SUPPORT OF**
11 **PLAINTIFFS' MOTION TO REMAND**

12 I declare under penalty of perjury under the laws of the United States of America and the
13 State of California that the foregoing is true and correct.

14 Executed on January 2, 2019, at Sacramento, California.

15 
16 _____
17 KATHY HERRON